



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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September 10, 2014

**BY ECF**

Honorable Robert M. Levy  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Annette Jaquez, et al. v. City of New York, et al.  
14 CV 02421 (FB) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendants write to respectfully request an adjournment of the initial conference, which is currently scheduled to take place on September 16, 2014, at 11:15 a.m. Plaintiff's counsel, Darius Wadia, Esq., consents to this request. This is defendants' second request for an adjournment of the initial conference. Defendants' first request for an adjournment of the initial conference was granted on August 20, 2014.

On September 5, 2014, a pre-motion conference was held before Judge Frederic Block, during which defendants' request to move to dismiss the complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, was discussed. At that conference, and at the request of Mr. Wadia, Judge Block directed defendants to provide plaintiff with the tact plan and the search warrant affidavit related to this case. By Order dated September 5, 2014, Judge Block also directed plaintiff's counsel to file a status letter with the Court by September 26, 2014 to inform the Court as to whether plaintiffs will continue to pursue this case. Although defendants provided the tact plan to plaintiffs, it is defendants' understanding that the search warrant affidavit is sealed, and must be unsealed by a Supreme Court justice of the Queens County

Criminal Court. Defendants are in the process of obtaining this unsealing order. As plaintiffs may withdraw their complaint, or, in the alternative (if they do not), defendants plan to move to dismiss the complaint pursuant to Rule 12(b)(6), defendants respectfully request that the initial conference in this matter be adjourned until such time that it is determined that the case will proceed.

For the foregoing reasons, defendants request that the initial conference in this matter be adjourned.

Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,



Shira Siskind  
Assistant Corporation Counsel  
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cc: By ECF  
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